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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,313	03/16/2004	Thomas O. Kautz	081445-0361	1983
7590	03/07/2006		EXAMINER	
Chad E. Bement Foley & Lardner LLP 777 East Wisconsin Avenue Milwaukee, WI 53202-5306			WALLING, MEAGAN S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,313

Applicant(s)

KAUTZ ET AL.

Examiner

Meagan S. Walling

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 13-16, 18-24, 27-35 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16, 19, 21-24, 28, 30-35 and 38-44 is/are allowed.
- 6) ☒ Claim(s) 2-4, 18 and 27 is/are rejected.
- 7) ☒ Claim(s) 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/1/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

Reference A2 has not been considered because it lacks a publication date.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 2-4, 18, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lattner (US 2004/0186333).

Regarding claim 4, Lattner teaches a first temperature sensor configured for mounting to a structure at a first distance relative to the structure and configured to sense a first temperature (see Table 2); a second temperature sensor configured for mounting to the structure at a second distance relative to the structure and configured to sense a second temperature (see Table 2); and a processor coupled to the first and second temperature sensors and configured to estimate a third temperature based on the first and second temperatures and the distance separating the first and second temperature sensors, wherein the third temperature is an estimate of a temperature at a third distance from the structure, the third distance being greater than the first and second distances (see paragraph 146 and Table 2).

Regarding claim 2, Lattner teaches that the first and second temperature sensors are mounted in a housing (see paragraph 134).

Regarding claim 3, Lattner teaches that the second distance is greater than the first distance (see Table 2).

Regarding claim 18, Lattner teaches a housing (see paragraph 134); a first temperature sensor mounted within the housing and configured to sense a first temperature (see Table 2); a second temperature sensor mounted within the housing and spaced apart from the first temperature sensor, and configured to sense a second temperature (see Table 2); and a processor coupled to the first temperature sensor and the second temperature sensor and configured to estimate a third temperature using the first temperature and the second temperature, wherein the third temperature is estimated from the first temperature and the second temperature using an extrapolation function, and wherein the extrapolation function is a linear extrapolation function (see paragraph 146 and Table 2).

Regarding claim 27, Lattner teaches measuring a first temperature using a first temperature sensor mounted within a housing (paragraph 134 and Table 2); measuring a second temperature using a second temperature sensor mounted within the housing and spaced apart from the first temperature sensor (see paragraph 134 and Table 2); and estimating a third temperature from the first temperature and the second temperature using a processor coupled to the first temperature sensor and the second temperature sensor, wherein the third temperature is estimated from the first temperature and the second temperature using an extrapolation function, and wherein the extrapolation function is a linear extrapolation function (see paragraph 146 and Table 2).

Allowable Subject Matter

2. Claims 20 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowability of claims 20 and 29 is the inclusion of the limitation that the extrapolation function includes a correction factor. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art of record that makes these claims allowable.

3. Claims 13-16, 19, 21-24, 28, 30-35, and 38-44 are allowed.

The following is an examiner's statement of reasons for allowance: Please see the previous office actions for reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw


MICHAEL NGHIEM
PRIMARY EXAMINER